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Representing the United States of America

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDRICK J. LEAVITT,

Defendants.

CASE NO: 2:17-cr-00391-APG-VCF

**STIPULATION TO VACATE
HEARING ON DEFENDANT
LEAVITT'S MOTION TO SUPPRESS
[ECF NO. 41]**

It is hereby stipulated and agreed, by and between Nicholas A. Trutanich, United States Attorney, through Patrick Burns and Steven W. Myhre, Assistant United States Attorneys, and Thomas Pitaro, Esq., counsel for Defendant Frederick J. Leavitt, that the suppression hearing in the above-captioned matter, scheduled for September 30, 2019, at 10:00 a.m., be vacated.

This Stipulation is entered into for the following reasons:

1. The Court scheduled a September 30, 2019, 10:00 a.m. hearing on Defendant Leavitt's motion to suppress his statement, ECF No. 41.

2. On September 24, 2019, the Court received a signed guilty plea agreement that

1 would resolve this case as to Defendant Leavitt. A change of plea hearing is currently
2 scheduled for October 1, 2019 at 10:30 a.m. before United States District Court Judge Andrew
3 P. Gordon.

4 3. Because a guilty plea in this case would render Defendant Leavitt's motion to
5 suppress moot, the parties request that the September 30, 2019 hearing be vacated.

6 Dated this 26th day of September, 2019

7 NICHOLAS A. TRUTANICH
8 United States Attorney

9 By: //s//
10 THOMAS PITARO, ESQ.
11 Counsel for Defendant LEAVITT

By: //s//
12 PATRICK BURNS
13 STEVEN W. MYHRE
14 Assistant United States Attorneys

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 FREDRICK J. LEAVITT,

7 Defendants.

Case No. 2:17-cr-00391-APG-VCF

FINDINGS OF FACT

8 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
9 Court finds that:

10 1. The Court scheduled a September 30, 2019, 10:00 a.m. hearing on Defendant
11 Leavitt's motion to suppress his statement, ECF No. 41.

12 2. On September 24, 2019, the Court received a signed guilty plea agreement that
13 would resolve this case as to Defendant Leavitt. A change of plea hearing is currently
14 scheduled for October 1, 2019 at 10:30 a.m. before United States District Court Judge Andrew
15 P. Gordon.

16 3. Because a guilty plea in this case would render Defendant Leavitt's motion to
17 suppress moot, the parties request that the September 30, 2019 hearing be vacated.

18 For all of the above-stated reasons, the ends of justice would be served best by vacatur
19 of the September 25, 2019 hearing on Defendant Leavitt's motion to suppress, ECF No. 41.

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ORDER

IT IS ORDERED that the suppression hearing in *United States v. Frederick R. Leavitt*, 2:17-CR-00244-APG-NJK, previously scheduled for September 30, 2019 at 10:00 a.m., is vacated.

Dated this 26th day of September, 2019

By: 

HON. CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE

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Dated: September 26, 2019

//s// Patrick Burns
PATRICK BURNS
Assistant United States Attorney
District of Nevada